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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,897	03/12/2004	George Bertram	034017R004	7423

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EXAMINER	
JACYNA, J CASIMER	
ART UNIT	PAPER NUMBER
3754	
MAIL DATE	DELIVERY MODE
07/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/798,897	BERTRAM, GEORGE	
	Examiner	Art Unit	
	J. Casimer Jacyna	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *18-29,31-36,38,41,43-45 and 47-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *18-25,27-29,31-36,38,41,43-45 and 47-57* is/are rejected.

7)☒ Claim(s) *26* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 August 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date __.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. The drawings are objected to because due to insufficient space on the form 948, the following was excluded: On box 6, the following figures have views not labeled separately or properly: Figures 9, 11, 15, 28-29, 34, 55, 72, 73, 77, 93, 105, 109-110, 113, 134, 146-152, 155-173 and 186. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 29 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. On line 12 of claim 29, Applicant calls for the shroud to be radially spaced from its own inner wall which is a physically impossible structure. Claim 49 is incomplete because it depends from a cancelled claim.

4. Claims 18-23, 29, 43, 49-51, 56 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Cramer 6,039,827. Cramer discloses a chemical feed system that could be used in conjunction with a foam dispenser as claimed and as generally noted on column 1, lines 15-22, including a motor attached to a drive shaft 69, a pump unit 10, 12, and a drive transmission system that includes a first magnetic coupling member 54 driven by the motor 68, a second magnetic coupling member 50 driving the pump and an intermediate shroud or can 52 that forms a chemical reception cavity that receives pumped fluid inside the can or shroud as disclosed on column 5, lines 39-45, wherein the chemical in the shroud can be from the isocyanate group of chemicals as disclosed on column 9, lines 16-24. In regard to claim 21, figure 2 shows a threaded aperture in the coupling that attaches to the end of motor shaft 68 which aperture receives the bolts holding 66 to the motor shaft 68.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cramer 6,039,827 in view of Gusmer et al. 4,199,303. Cramer discloses a chemical feed system, wherein one of ordinary skill in the art would have considered it obvious to orient the system either horizontally or vertically since the motor and pump assembly will function equally well in either orientation, including a chemical pump 10, 12 substantially as claimed but does not disclose an inlet filter. However, Gusmer teaches another chemical feed system having a pump 43 with an inlet filter 41 for the purpose of

ensuring impurities do not enter the pump. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Cramer with an inlet filter as, for example, taught by Gusmer in order to ensure impurities do not enter the pump.

6. Claims 31-36, 38, 41 and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cramer 6,039,827 in view of Bezaire et al. 6,315,161. Cramer discloses a chemical feed system including a pump or metering assembly 10, 12 substantially as claimed but does not disclose a dual pumping system on a base with wheels. However, Bezaire teaches another chemical feed system having a pair of pump or metering assemblies 130b locating on a wheeled base as shown in figure 10 for the purpose of simultaneously and portably dispensing two chemical components. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Cramer with two pump assemblies on a wheeled base as, for example, taught by Bezaire in order to simultaneously and portably dispense two chemical components. In regard to claim 34, Bezaire teaches the use of heaters 168 in hoses 136 for the purpose of dispensing the chemical from a gun.

7. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cramer 6,039,827 in view of Buse 4,871,301. Cramer discloses a chemical feed system including a motor attached to 68 substantially as claimed but does not disclose any motive force for the motor. However, Buse teaches another chemical feed system having an electric motor as disclosed in claim 1 for the purpose of providing a convenient and well known means to power the motor. Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Cramer with an electric motor as, for example, taught by Buse in order to provide a convenient and well known means to power the motor.

8. Claims 44, 45, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cramer 6,039,827 in view of Claasen 4,898,527. Cramer discloses a chemical feed system including a motor attached to 68 substantially as claimed but does not disclose any motive force for the motor nor a motor encoder. However, Claasen teaches another chemical feed system having an electric motor 56 wherein it is well known in the art that the a common electric motor is a brushless DC motor and an encoder 99 for the purpose of providing a convenient and well known means to power the motor and monitor the performance of the motor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Cramer with an electric motor and encoder as, for example, taught by Claasen in order to provide a convenient and well known means to power the motor and monitor the performance of the motor.

9. Claims 25, 27-29, 43, 44 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Buse 4,871,301. Buse discloses a chemical feed system that could be used in conjunction with a foam dispenser as claimed, including a motor attached to a drive shaft 19, a pump unit 14, and a drive transmission system that includes a first magnetic coupling member 62 driven by the motor 19, a second magnetic coupling member 58 driving the pump, first and second bearing assemblies 33, 34, 36, 37 and an intermediate shroud 59 that forms a chemical reception cavity that receives pumped

fluid inside the shroud in order to lubricate the bearings as disclosed on column 3, lines 33-45. In regard to claims 27 and 28, Buse discloses a flexible coupling 47 with pins 57 located between the magnets 58 and the shaft 11. In regard to claim 44, claim 1 discloses the motor to be an electric motor.

10. Claims 18-20, 22, 23, 45, 50-52, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buse 4,871,301 in view of Cramer 6,039,827. Buse discloses a chemical feed system including a pump and motor assembly with a magnetic drive having a shroud connecting the pump and the motor substantially as claimed but does not disclose the shroud to be made from materials inert to isocyanate. However, Cramer teaches another chemical feed system also with a pump and motor assembly with a magnetic drive having a shroud connecting the pump and the motor having the shroud made of material inert to isocyanate as disclosed on column 9, lines 16-24 for the purpose of increasing the functionality of the system by adapting it to dispense additional chemicals such as isocyanate. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Buse with two ability to dispense isocyanate as, for example, taught by Cramer in order to increase the functionality of the system by adapting it to dispense additional chemicals such as isocyanate.

11. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buse 4,871,301 in view of Cramer 6,039,827 as applied to claim 45 above and further in view of Claasen 4,898,527. Buse discloses a chemical feed system including an electric motor attached to 19 wherein it is well known in the art that the a common

electric motor is a brushless DC motor substantially as claimed but does not disclose a motor encoder. However, Claasen teaches another chemical feed system having an electric motor 56 and an encoder 99 for the purpose of monitoring the performance of the motor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Buse with a motor encoder as, for example, taught by Claasen in order to monitor the performance of the motor.

12. Claims 31-36, 38, 41 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buse 4,871,301 in view of Bezaire et al. 6,315,161. Buse discloses a chemical feed system including a pump or metering assembly 1 substantially as claimed but does not disclose a dual pumping system on a base with wheels. However, Bezaire teaches another chemical feed system having a pair of pump or metering assemblies 130b locating on a wheeled base as shown in figure 10 for the purpose of simultaneously and portably dispensing two chemical components. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Buse with two pump assemblies on a wheeled base as, for example, taught by Bezaire in order to simultaneously and portably dispense two chemical components. In regard to claim 34, Bezaire teaches the use of heaters 168 in hoses 136 for the purpose of dispensing the chemical from a gun.

13. Applicant's arguments filed 4/1/2008 have been fully considered but they are not persuasive. Applicant contends that the drawings are in accordance to 37 CFR 1.121(d). Applicant only argues the objection to the legends that appeared in the body of the rejection and the shading. Note that a number of additional objection are

contained on the PTO form 948. Applicant has not argued these objections and they must be corrected. In regard to the legends, note that figures 14A, 14B and 38A and 38B are not objected to. Also note that on page A-4-23 in the Guide to the Preparation of Patent Drawings submitted by Applicant on 4/1/2008, sectional drawings are to include only numbers with letters as shown in the example on page A-4-23. This is why figures 14A, 14B and 38A and 38B are not objected to because there is no figure 14 or figure 38. However, starting with the 9 series, there is a figure 9 plus figures 9A-9K. Having a figure with only a number in addition to figures with the same number and a letter is not in accordance to 37 CFR 1.121(d) and is also not allowed in the Guide to the Preparation of Patent Drawings. In regard to the shading, the shading on page A-4-83 of the Guide is minimal and does not cover or obliterate the entire element. However, the shading in the figures that have been objected to for improper shading, such as figures 1-5, is very dark and does cover and obliterate the object being depicted. This is objectionable and not in accordance with 37 CFR 1.121(d). Applicant is incorrect in Applicant's interpretation of the Guide. Please note that Applicant is required to correct the drawings as noted in paragraph 1 above. In regard to the cited patents, the fact that some patents with incorrect drawings have been published does not overcome the current objection to the drawings. Applicant may petition the Commissioner of Patents and Trademarks or appeal to the U.S. District Courts if Applicant feels 37 CFR is incorrect or is being incorrectly applied. However, barring a petition or appeal, Applicant must amend the drawings or, as stated in paragraph 1 above, this application will be abandoned.

14. In regard to the claims, Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

15. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Mon. thru Fri. 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Casimer Jacyna/
Primary Examiner, Art Unit 3754